

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8532 of 1991

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

B S SOLANKI

Versus

COLLECTOR

Appearance:

1. Special Civil Application No. 8532 of 1991
MR GM JOSHI for Petitioner No. 1
MR. PRADIP D. BHATE, L.D. AGP for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 03/09/2004

ORAL JUDGEMENT

1. The petitioner approached this Court by this

petition in the year 1991. The direction sought against the State Government was that when juniors are retained his service as clerk in the office of District Collector at Palanpur should not be declared surplus, and he should not be terminated or transferred as a surplus employee. After hearing the parties, this Court granted interim relief to the petitioner and it appears that on the strength of that interim order the petitioner has not been declared surplus and continues to be in service.

2. On behalf of the State no reply has been filed controverting any of the facts mentioned in the petition. Mr. Bhate, learned AGP sought time to take further instructions. This being a matter of 1991 no time for taking instructions for filing a reply can be granted to the State. As on the basis of the interim order passed by this Court, the petitioner continues to be still in service - the respondents are directed not to declare him surplus and allow him to continue, if not otherwise, he has rendered himself disqualified. The petition is allowed. Rule is made absolute. No order as to costs.

Dt: 3-9-2004

(K.S. JHAVERI, J)

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